

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 12, 2002**

DIVISION ONE

B144867 People (Not for Publication)

V.

Larry Avery Scott, et al.

The judgment is affirmed.

Vogel (Miriam A.), J.

I concur:        Spencer, P.J.

I dissent:      Mallano, J. (Opinion)

B151018 People (Not for Publication)

V.

Donald Norwood

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

DIVISION TWO

B151004 People (Certified for Publication)

V.

Oscar R.

The order committing appellant to CYA is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.

Nott, J.

September 12, 2002 (Continued)

## DIVISION TWO (Continued)

B151154      People                                  (Certified for Publication)  
v.  
Kentron D.

The order under review is reversed and the matter is remanded for a section 777 hearing consistent with the views expressed herein.

Nott, Acting P.J.

We concur: Doi Todd, J.  
Ashmann-Gerst, J.

DIVISION THREE

B151296      Cundiff      (Certified for Partial Publication)  
v.  
Bell Atlantic Corporation, et al.

The order of dismissal from which plaintiffs have appealed is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. Costs on appeal to plaintiffs.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B141956 Marston, Thaleia (Not for Publication)  
v.  
Marston, Robert C.

The judgment is reversed. Appellant(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

September 12, 2002 (Continued)

### DIVISION THREE (Continued)

B152593 People (Not for Publication)  
v.  
Rojas

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

[illegible]

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

## DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

B150105 Coalition to Save Angelus Temple, et al.  
v.  
City of Los Angeles, et al.

Merits:

Argued by Lawrence Teeter for appellants and by Jack L. Brown, assistant city attorney for respondents. Cause submitted.

DIVISION FOUR (Continued)

B153218     Arnett  
              v.  
              Southern California Edison

Merits:  
Argued by Alan Burton Newman for appellant and by William D. Harn for respondent. Cause submitted.

B142528     Martin  
              v.  
              County of Los Angeles, et al.

Merits:  
Argued by Nowland C. Hong for appellant and by Thomas S. Salinger for respondents. Cause submitted.

Court in recess.

Court reconvened at 1:30 p.m.

Present: Vogel (C.S.), P.J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

B148712     Tomblin & Associates  
              v.  
              Lange, et al.

Merits:  
Argued by Robert F. Scoular for appellant and by Gabriel Mezger-Lashly for respondents. Cause submitted.

B154982     Sitthiso  
              v.  
              Fire Insurance Exchange

Merits:  
Argued by Paul J. Estuar for appellant and by Mitchell C. Tilner for respondent. Cause submitted.

September 12, 2002 (Continued)

## DIVISION FOUR (Continued)

B149545      D'Egidio, et al.  
v.  
Pacific Bay Homes, et al.

Merits:

Argued by Joseph S. Dzida for appellants, by Susan D. Hyman for respondent Pacific Bay Homes and by Brian A. Pierik for respondent City of Santa Clarita. Cause submitted.

Each of the following:

B148782 Baker v. Automobile Club of Southern Calif.  
B156664 Gevarter v. Maple Ridge Mobile Homes, Inc.  
B151740 Petrovsky v. State Board of Registration

Argument waived, cause submitted.

Court adjourned.

B143286 People (Not for Publication)  
v.  
Contreras

The parole revocation fine imposed pursuant to section 1202.45 is modified from \$200 to \$1,000, and suspended. The abstract of judgment shall be modified accordingly. In all other respects, the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

September 12, 2002 (Continued)

DIVISION FIVE

[illegible]

The judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B155187 People (Not for Publication)  
v.  
Henry

The judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B151066      Castaneda      (Not for Publication)  
v.  
Lotter, et al

The judgment is affirmed. Each party to bear their own costs.

Grignon, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

## DIVISION FIVE (Continued)

[illegible]

The matter is remanded to the trial court with directions to strike the three one-year enhancements imposed but previously stayed in Nos. A577352, BA096973 and BA099266, and either to impose or to strike the remaining one-year prior prison term enhancement in compliance with California law. The clerk of the superior court is then directed to prepare an abstract of judgment reflecting the striking of the three one-year enhancements as described above and the disposition of the trial court in connection with the imposition or the striking of the remaining prior prison term enhancement in Nos. BA096973 and BA099266, and to forward a certified copy of the abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.  
Armstrong, J.

B147043 Socorro Coco Magallanes, et al. (Not for Publication)  
v.  
Telemundo Network, Inc., et al

The attorney fee order is affirmed insofar as it: approves payment of attorney's fees to plaintiff's counsel; fixes the hourly rate at \$325 per hour; applies the 2.0 multiplier as to all services rendered prior to the settlement; and approves of the hours expended by plaintiff's counsel. The attorney fee order is reversed and the matter is remanded for limited reconsideration, in light of *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1141-1142, of post-settlement attorney's fees. Plaintiffs are to recover their costs and attorney's fees on appeal, jointly and severally, from defendants, Telemundo Network, Inc., and Telemundo Group, Inc. Plaintiffs' request for attorney's fees on appeal should be pursued in compliance with rule 870.2 of the California Rules of Court.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

DIVISION FIVE (Continued)

B154651      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Debra M.

The orders are affirmed.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                 Mosk, J.

B157194      People      (Not for Publication)  
                 v.  
                 Leonardo M. Ruiz

The judgment is modified as follows: (1) as to count one, the eight-year term is stricken; and (2) as to count two, a life term with a 15-year minimum parole eligibility the judgment is affirmed. The matter is remanded to the trial court to exercise its discretion to impose the life term on count two consecutive to or concurrent with the life term on count one.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                 Mosk, J.

B157252      Paul Janossy, et al.      (Not for Publication)  
                 v.  
                 Washington Mutual Bank

The judgment is affirmed. Respondent Washington Mutual Bank is award its costs on appeal.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                 Mosk, J.



DIVISION FIVE (Continued)

B150741     People  
              v.  
              Spry

Filed order denying petition for rehearing.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B156225     Human Services Agency  
              v.  
              Mary L.

Merits:  
Argument waived for appellant and argued by Leroy Smith, Assistant  
County Counsel, for respondent. Cause submitted.

B155440     Ocheltree  
              v.  
              Dept. of Motor Vehicles

Merits:  
Argued by Ronald A. Jackson for appellant and argument waived pursuant  
to Rule 17(a)(2), Calif. Rules of Court, for respondent. Cause submitted.

B156151     Marquez  
              v.  
              Dept. of Motor Vehicles

Merits:  
Argued by Ronald A. Jackson for appellant and by Domini Pham, Deputy  
Attorney General, for respondent. Cause submitted.

DIVISION SIX (Continued)

B156045     Dibble  
              v.  
              Dept. of Motor Vehicles

Merits:  
Argued by Ronald A. Jackson for appellant and by Gary S. Balekjian,  
Deputy Attorney General, for respondent. Cause submitted.

B156044     Marriage  
              of  
              Doherty

Merits:  
Argued by Judith D. Rhodes for appellant and by Judith L. Wong for  
respondent. Counsel shall serve and file simultaneous letter briefs within  
15 days regarding the issue in *Garfein v. Garfein* (1971) 16 Cal.App.3d  
155. Cause submitted.

Yegan, J. left the bench.

B152976     Shenkel  
              v.  
              Heritage Oak Partners

Merits:  
Argued by Eric E. Hawes for appellants and by Michael G. Walker for  
respondents Jones, et al. Argument previously waived by respondent  
Heritage Oak Partners. Cause submitted.

Court recessed at 11:00 A.M.

September 12, 2002 (Continued)

DIVISION SIX (Continued)

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B149916 People v. Reeder  
B151110 People v. Flores  
B155188 People v. Valdez and Gasporra

Argument continued to October, 2002.

Each of the following:

B149657 People v. Brown  
B152855 People v. Falcon  
B153146 People v. Gonzalez  
B153330 People v. Martinez  
B153398 People v. Zuniga  
B154117 People v. Bovarie  
B154454 People v. Bartley  
B154548 People v. Robinson  
B154775 People v. Cesar D.  
B154958 People v. McCowan  
B155536 People v. McCoggle  
B156505 People v. Marquez  
B157458 People v. Harris

Argument waived, cause submitted.

B154858     People  
                  v.  
                  Taggart

Merits:

Argued by Meghan B. Clark for appellant and by Thien Huong Tran,  
Deputy Attorney General, for respondent via video conference. Cause  
submitted.

DIVISION SIX (Continued)

B154266     People  
              v.  
              Dominguez

Merits:  
Argued by Jeffrey Allen Needelman for appellant and by Analee J. Nations, Deputy Attorney General, for respondent via video conference. Cause submitted.

B137799     People  
              v.  
              Gonzales

Merits:  
Argued by Laini M. Melnick for appellant and by Stephen A. McEwen, Deputy Attorney General, for respondent via video conference. Cause submitted.

Yegan, J. left the bench.

B154828     People  
              v.  
              Durazo

Merits:  
Argued by Laini M. Melnick for appellant and by Marc E. Turchin, Deputy Attorney General, for respondent via video conference. Cause submitted.

Court adjourned at 2:40 P.M.

## DIVISION EIGHT

[illegible]

The judgment of conviction is affirmed. The order dismissing the section 1202.53, subdivisions (b) and (e) (1) enhancement is reversed and the matter is remanded to the trial court with directions to conduct a new sentencing hearing.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B145591 People (Not for Publication)  
v.  
Maldonado

The judgment is modified to provide actual presentence custody credit of 224 days, and to impose a parole revocation fine of \$200, to be suspended unless defendant's parole is revoked. As modified, the judgment is affirmed. The clerk of the trial court is directed to prepare a corrected abstract of judgment and forward a copy to the Department of Corrections.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

B145591 People  
v.  
Maldonado

Filed order recalling remittitur issued on August 8, 2002, and vacated opinion filed May 1, 2002. The clerk re-filed opinion and issued remittitur forthwith.